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SHEAFFER JEANNE M
78 MONTEVIDEO 1293

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 F-01 INR-10

L-03 NSAF-00 NSC-05 PA-01 SP-02 SS-15 ICA-11

EA-05 ACDA-12 /085 W

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FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC PRIORITY 6280

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY SANTIAGO

USCINCSO QUARRY HTS., C.Z.

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E.O. 11652: NA

TAGS: SHUM, UY

SUBJ: ABA MISSION FOLLOW-UP: "EL DIA" OPENS PUBLIC DIALOGUE

ON ARA RECOMMENDATIONS

REF: MONTEVIDEO 1203 (DTG 101901Z APR 78)

1. THE FIRST POSITIVE SIGN OF FOLLOW-UP ON THE ABA VISIT BY THE LEGAL PROFESSION (AND PRESS) APPEARED IN A CAREFULLY WORDED "EL DIA" COLUMN, APRIL 16, BY PROMINENT LAWYER AND EDITORIAL WRITER, DR. ENRIQUE TARIGO.

2. TARIGO OPENED THE COLUMN BY RECOGNIZING THAT THE TUPAMARO INSURGENCY JUSTIFIED THE MILITARY'S INTEREST IN THE LEGAL ASPECTS OF ITS COUNTER-TERRORISM ROLE, AND ITS DESIRE TO MAINTAIN AN INVOLVEMENT. TARIGO THEN PROCEEDED, IN RATIONAL AND NON-POLEMICAL FASHION, TO PROPOSE A SOLUTION TO TWO PROBLEMS RAISED IN THE ABA MISSION MEMORANDUM TO WHICH HE REFERRED: (A) MILITARY JURIS-

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DICTION OVER CIVILIANS AND; (B) THE EXPANSION OF THE MILITARY JUSTICE SYSTEM, EMBODIED IN ARTICLE 18 OF INSTITUTIONAL ACT NO. 8. TARIGO CAREFULLY WOVE THROUGH THESE PROBLEMS BY SUGGESTING ENACTMENT OF A MODIFIED VERSION A A 1942 LAW WHICH WOULD PROVIDE FOR THE REPLACEMENT OF THE PRESENT MILITARY COURTS BY A SPECIAL MIXED TRIBUNAL WITHIN THE CIVILIAN JUDICIAL SYSTEM AND INCLUDING BOTH CIVILIAN AND MILITARY JUDGES. HE CONCLUDED BY REFERRING TO THE PROPOSAL AS A CONTRIBUTION TO THE "DIALOGUE" WHICH THE NATION REQUIRES ON MANY ISSUES, AND WHICH HE IMPLIES WAS BEGUN BY THE PUBLISHING OF THE ABA MEMORANDUM AND THE GOV'S EXPLANATORY STATEMENT.

3. COMMENT: THE TARIGO COLUMN IS A THOUGHTFUL, LOW-KEY ATTEMPT TO WIDEN AND MAKE SUBSTANTIVE USE OF THE OPENING CREATED BY THE ABA MISSION'S VISIT. FOLLOWING IN THE ABA MISSION'S WAKE WITH SELECTED KEY LEGAL ISSUES, TARIGO IS TRYING TO OPEN A NEW ARENA OF DISCUSSION IN THE PRESS.

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DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>J. Man</i>	DATE <i>4/29/80</i>
RCS ☐ OF XDS ☐	EXT. DATE
TS AUTH.	7/5/80(S)
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TO TEST THE GOU'S INTENTIONS AND TO STIMULATE OTHERS TO
SPEAK OUT PUBLICLY. LOCAL BAR ASSOCIATION LEADERS
BARBAGELATA (VICE PRESIDENT) AND RAMIREZ (DIRECTORATE
MEMBER) HAVE TOLD US THAT THEY CONSIDER THIS UNPRECEDENTED
DISCUSSION OF THESE SUBJECTS AS VERY SIGNIFICANT, AND
INTIMATED THAT OTHER LAWYERS AIDED TARIGO IN ITS PREPARA-
TION. WE SEE AN ADDED SIGNIFICANCE. THIS FIRST ARTICLE
TO APPEAR AFTER THE BUTLER VISIT, ADAPTS SUGGESTIONS
FROM IT TO INITIATE A POSITIVE DIALOGUE. AND, THERE
HAS BEEN NO NEGATIVE PRESS ATTACKING EITHER THE MISSION
OR ITS RECOMMENDATIONS.

1. PLEASE SHARE ABOVE WITH DRS. BUTLER AND BEQUE. PEZZULLO
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